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an almost absolute prerequisite to any substantive social reform; they therefore merit the support of all good citizens, whatever their social creed. Let us get a good gun before we quarrel about what we ought to shoot.

WILDER H. HAINES.

*Evolution of Law: Select Readings on the Origin and Development of Legal Institutions.* Vol. I: Sources of Ancient and Primitive Law. Vol. II: Primitive and Ancient Legal Institutions. Compiled by ALBERT KOCOUREK, professor of jurisprudence in Northwestern University; and JOHN H. WIGMORE, professor of law in Northwestern University. (Boston: Little, Brown, and Company. Pp. xii, 704; xvii, 702.)

This work cannot fail to give a new impulse to the comparative study of the genesis and development of juridical institutions. In the words of the compilers, its "conscious purpose" is to "chart in broad outline the march of humanity in its effort to govern itself and work out its destiny." It affords precious materials for every one of the group of "social sciences." Especially is a thorough study of such materials needed by American lawyers. The book is "offered in the belief that the day is not far distant when the students of the law, the teachers of the law, and the examiners in the law will be dissatisfied with an equipment of knowledge which attempts only the dogmatic side, and neglects the universal, and even the specific historical background of legal institutions."

Doubtless the chief modern crisis in the study jurisprudence—not excepting the influence of Bentham who found English law a "gibberish and left it a science"—was the tremendous stimulus given by Sir Henry Maine, whose first great work, the *Ancient Law*, appeared in 1861. One of the most significant indirect results of Maine's researches was the rise of "institutional history" as the basic division of historical study. According to Maine, the "rudiments of the social state" are known to us "through testimony of three sorts—accounts by contemporary observers of civilization less advanced than their own, the records which particular races have preserved concerning their primitive history, and ancient law." Or these three sources of information, he regards ancient law as the best. He failed to appreciate the true value of the first source, from which, obviously, are derived most of the data of ethnical, anthropological, and sociological investigation, including

much that Maine himself has presented. Since his day, of course, the mass of materials of this sort, as well as of the other kinds, has vastly increased; and from this mass Professors Kocourek and Wigmore have selected with unerring judgment.

Drawn from the translations or other writings of thirty-five experts, the sources constituting the first volume are classified in four parts. Part I, in six chapters, consists of references to ancient and primitive law and institutions found in *General Literature*, including passages from the *Iliad* and *Odyssey*, Plutarch's *Lives*, Caesar's *Commentaries*, Tacitus's *Germania*, and the *Njals Saga*. Part II, also in six chapters, comprises "Modern Observations of Retarded Peoples," by Spencer and Gillen, Murdoch, McGee, Powell, Dugmore, Warner, and Sarbah. A broad basis for Comparative study is laid in the "Ancient and Primitive Laws and Codes" constituting the ten chapters of Part III. In the most authoritative translations here are given, in whole or in part, the "Ancient Accadian Laws," the "Code of Hammurabi," the "Pentateuch," "Edict of Harmhab," "Laws of Gortyn," "Twelve Tables," "Laws of Manu," "Lex Salica," "Aethelbirht's Dooms," and "Laws of Howel Dda." Of unique value and of fascinating interest are the "Ancient and Primitive Legal Transactions" contained in the two chapters of Part IV, pp. 555-702. Here, for example, one may read a "conspiracy case" under Rameses III, a Babylonian "Lawsuit Concerning a Slave," an Egyptian "Marriage Contract," or the "Will of Sennacherib."

The second volume, on "Primitive and Ancient Legal Institutions," consists, not of codes or documents, but of extracts—sometimes whole chapters—from the authoritative works of twenty modern scholars. Its four parts, in thirty-one chapters, offer a wealth of research and interpretation which must surely stimulate further study, particularly university study, in this field.

The "Introduction" contains discussions of the "Evolution of Law" by Josef Kohler; "Ethnological Jurisprudence" by A. H. Post; "Origin of Legal Institutions" by Gabriel Tarde and Paul Frédéric Gerard; "Universal Comparative Law" by Georgio Del Vecchio. Part I is devoted to "Law and the State," including the discussion of "Forms of Social Organization" by J. W. Powell; "Evolution of the State" by Josef Kohler; "Omnipotence of the Ancient State" by Fustel de Coulanges; "Chieftainry and Kingship" by Josef Kohler and Fustel de Coulanges; "Religion and Law," by the same two writers and by Sir Henry Maine; "Evolution of Criminal Law" by Richard R. Cherry,

L. T. Hobhouse, and Ellsworth Ferris; "Forms of Law" and "Methods of the Law's Growth" by Sir Henry Maine.

The general subject of "Persons" is considered in Part II. Here "Kinship" is treated by J. W. Powell; "The Patriarchal Theory" by George Elliott Howard; "Patria Potestas" by Sir Henry Maine; "Women in Primitive Society" and "Women and Marriage under Civilization" by L. T. Hobhouse; and various other subjects by Andrew Lang, Rudolph Sohm, J. W. Powell, and Fustel de Coulanges.

Parts III and IV respectively treat of "Things" and "Procedure." For a great variety of subdivisions, passages are taken from the writings of G. L. Gomme, Levin Goldschmidt, Carl Koehne, Felix Somlo, B. W. Leist, Pol Collinet, Andreas Heusler, Stanley A. Cook, Gustave Glotz, John H. Wigmore, and some of the scholars already mentioned as contributing to the earlier divisions of the work.

The book is printed in handsome style; and the compilers have rendered a distinct service to scholarship in many related fields. The third volume, on "Formative Influences of Legal Development," will be eagerly awaited.

GEORGE ELLIOTT HOWARD.

*Imperial Architects.* Being an account of proposals in the direction of a closer imperial union, made previous to the opening of the first colonial conference of 1887. By ALFRED LEROY BURT. With an introduction by H. E. Egerton. (Oxford: B. H. Blackwell, 1913. Pp. vii, 228.

Mr. Burt's *Imperial Architects* was written at least a year before the war began; but it is essentially one of a few books on political science published in England before war became the all-absorbing interest to which additional value has accrued in consequence of development brought about by the war. The war was not more than two or three months old before discussion began in England and in the oversea dominions as to the relations of the dominions to Great Britain in the new era that will begin with the end of the war. Closer trade relations are so far being most discussed. There is, however, some discussion of closer political relations than have existed since all the larger colonies were conceded responsible government in the middle period of the nineteenth century. In view of the wider and more insistent discussion of this question which will certainly come at the end of the war, Mr. Burt's *Imperial Architects*—a study of the rebirth of the move-